Annual Report
2002 - 2003

The Clean Environment Commission

Manitoba

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The Clean Environment Commission

MINISTER OF CONSERVATION

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

His Honour
The Honourable Peter M. Liba, C. M., O. M.
Lieutenant-Governor of Manitoba
Room 235 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Your Honour:

The undersigned has the honour to present the Annual Report of the Clean Environment Commission detailing its activities for the fiscal year ending March 31, 2003.

Sincerely,

Stan Struthers

Stan Struthers
Minister

Manitoba

Office of the Chairperson
Clean Environment
Commission

305 - 155 Carlton Street
Winnipeg, Manitoba,
CANADA
R3C 3H8

The Honourable Stan Struthers
Minister of Conservation
Room 333 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Mr. Struthers:

Pursuant to the provisions of Section 6(10) of *The Environment Act* I am pleased to submit to you the Commission's annual report for the year ending March 31, 2003.

Submitted on behalf of the Commission.

Terry Duguid

Terry Duguid
Chairman

The Manitoba Clean Environment Commission

During the 2002-03 year, Commission membership consisted of the following citizen appointees and full-time chairperson. The Minister responsible for *The Environment Act* for the period under review was the Honourable Steve Ashton.

Nick Carter, *Winnipeg*
Lissa Donner, *Winnipeg*
Terry Duguid, Chairman, *Winnipeg*
Kenneth Gibbons, *Winnipeg*
Ian Halket, *Winnipeg*
Judy Head, *The Pas*
John Hreno, *Winnipeg*
Gerard Lecuyer, *Winnipeg*
Moses Okimaw, *Winnipeg*
Archie Phillips, *Winnipeg*
Constance Pringle, *Thompson*
Wayne Sato, *Winnipeg*
Myrle Traverse, *Winnipeg*
Ken Wait, *Balmoral*
Barrie Webster, *Winnipeg*
John Whitaker, *Erickson*

Role and Responsibilities

Under *The Environment Act* (1988) the Clean Environment Commission provides a process through which the public can participate in the environmental decision making process in Manitoba. The Commission also provides advice and recommendations to the provincial Conservation Minister with respect to environmental issues and licensing matters.

Commission membership includes a full-time Chairperson and part-time Commissioners appointed by Order-in Council. Members come from a wide variety of occupations and reside in different regions of the province.

The Commission utilizes the following mechanisms to assist in the environmental management process:

Public Hearings

During the environmental assessment process, the public is invited to submit comments and/or objections respecting a proposed development project. In response to valid concerns, the Conservation Minister can ask the Clean Environment Commission to convene a public hearing. During such a hearing the Commission would receive representations from the project proponent, the general public - both supporters and opponents, and from the various government departments responsible for reviewing the proposal. The Commission reviews the evidence and information presented at

the hearing and prepares a report containing advice and recommendations for the Minister. Upon receipt of the Commission's report, the Minister may choose to accept all or part of its recommendations but is under no legal obligation to do so. If, however, the Commission's recommendations are not acted upon, or incorporated into the licence under review, written reasons must be provided by the Minister or the Environment Department and these must be filed in the Public Registry.

Environmental Mediation

Conflicts can occur when two opposing but environmentally sound ideas are proposed for the same location or resource. Providing all parties agree, the Commission can provide environmental mediation services to resolve these conflicts.

Investigations

The Environment Act allows the Commission to investigate any matter of environmental concern and to provide advice and recommendations to the Conservation Minister.

Message from the Chairman

The Commission has been involved in some interesting activities this past year. In addition to convening a number of public hearings, which will be reported on in subsequent editions of this series, the Commission undertook a major consultation exercise surrounding the development of environmental impact assessment guidelines, completed an alternate dispute resolution process, and sponsored a large public education forum. All of these activities demonstrate the broad application of the Commission's full mandate, one that includes mediation exercises, consultation processes beyond the public hearing, and public awareness initiatives. They demonstrate the government's commitment to an active, innovative, and relevant environmental Commission for Manitobans.

The public consultation exercise that the Commission undertook to assist Manitoba Conservation in the development of environmental impact assessment guidelines for the *Wuskwatim Generation and Transmission Project* represented a first for Manitobans. Through a series of public meetings organized to encourage and facilitate public comment on draft environmental assessment guidelines, the Commission was able to gather and subsequently report on the issues, concerns, and priorities that Manitobans felt required consideration when preparing an assessment of a major development project. The Commission commends the Department of Conservation for initiating this cooperative program of advance public consultation and anticipates that the beneficial results of the effort should be evident when the final environmental assessment of the project is filed.

The Commission was also permitted an opportunity to explore the mediation component of its mandate through the coordination and supervision of the *Rothsay Rendering - Area Residents* alternate dispute resolution process. This fascinating exercise, that brought local residents and a major animal processing firm together to discuss issues and concerns, resulted in the resolution of many outstanding local grievances and the creation of a long-term consultation mechanism through which future problems can be addressed. This mediation approach represents yet another useful tool in the arsenal of effective public participation and consultation instruments. The Commission was pleased to have been a part of this exciting effort.

Finally, the sponsorship of a public forum respecting the protection and effective stewardship of our freshwater resources allowed the Commission an opportunity to engage a large number of citizens in discussions surrounding a critically important issue that faces all Canadians.

All in all, a good year for the Commission and hopefully, by extension, for the people of Manitoba.

Terry Duguid

Hearings

During the 2002-03 fiscal year, the Commission conducted one public hearing respecting the City of Winnipeg's Wastewater Collection and Treatment System. While this hearing was convened in January 2003, it was not completed, nor were the recommendations emanating from the proceedings conveyed to the Minister of Conservation, during the 2002-03 reporting year. Accordingly, the details and results of this hearing will be provided in subsequent reports of this series.

Investigations

The Commission did not undertake any "Investigations", as defined under Section 6(5)(c) of the Environment Act, during the 2002/03 fiscal year.

Environment Mediation

Maple Leaf Foods (Rothsay Rendering) - St. Boniface Area Residents Mediation

On February 26, 2001 the Minister of Conservation requested that the Commission investigate the possibility of pursuing a mediation exercise to address the ongoing dispute between Maple Leaf Foods Ltd. and residents in the St. Boniface area of Winnipeg with respect to odour emissions from the Rothsay Rendering plant on Dawson Road.

In response, the Commission scheduled a series of exploratory meetings with area residents, representatives of the Company, and relevant government regulatory officials to explore the issue and determine an appropriate process through which the matter could be addressed. These exploratory discussions resulted in an agreement on the part of all parties to form a group that would meet regularly to develop a mutually acceptable plan for reducing the odour problem. It was agreed that the Commission would coordinate and serve to facilitate these meetings but that the agenda and direction of the meetings would be determined cooperatively by the group as a whole.

Over a period of 18 months, the group met on seven separate occasions to first review and discuss the nature and magnitude of the problem and then to review and evaluate plans for its resolution. These meetings included participation and presentations by various technical experts, consultants and government officials. From these meetings emerged a specific plan for mitigation of the odour problem through a significant plant and equipment modification program. In addition, a broadly based community communication strategy was implemented so as to keep area residents informed about the progress of the group's attempts at resolving this long-standing issue.

In November 2002 all parties in the group agreed that the problem had been substantially resolved. Furthermore, with the key issues addressed, it was agreed that the formal mediation process was no longer required. The parties resolved that their working relationship, and the communication strategy that had been established

during the mediation process, could be maintained so as to permit an ongoing dialogue between the parties. It was further agreed that this ongoing dialogue would not require the Commission's continued direct involvement. The group prepared and signed a closing statement.

In summary, the Commission considers this mediation exercise to have been a successful foray into the field of alternate dispute resolution. The odour issue that was the focus of the effort has been addressed to the satisfaction of area residents, the Company (Maple Leaf Foods/Rothsay) and Manitoba Conservation. A process and structure for a continued dialogue between the parties has been established along with a commitment on the part of all parties to continue working together to manage the ongoing relationship between the Company and the community of which it is a part.

Special Projects

Freshwater Forum

On February 18, 2003 the Commission, working in partnership with Fisheries and Oceans Canada (Freshwater Institute) and Manitoba Conservation, sponsored a public forum respecting Freshwater. The purpose of the forum, scheduled in recognition of 2003 having been declared the International Year of Freshwater by the United Nations, was to encourage public discussion about the many issues surrounding the protection and wise use and conservation of our freshwater resources. Over 650 people representing a broad cross-section of the Manitoba population attended the forum.

The Forum included keynote addresses by Science Journalist Bob McDonald of CBC Radio's Quirks and Quarks, renowned researcher David Schindler of the University of Alberta, and Richard Coombe of the New York State Watershed Agricultural Council. In addition, a series of interactive workshops featured contributions from a variety of local and national authorities on freshwater. The Minister of Conservation, The Honourable Steve Ashton, offered the luncheon address.

Public Meetings:
Draft Environmental Impact Statement Guidelines for the Wuskwatim Generation and Transmission Projects

At the request of the Minister of Conservation the Commission convened a series of public meetings on the draft Environmental Impact Statement (EIS) guidelines for the proposed Wuskwatim Generation and Transmission projects as proposed by Manitoba Hydro and the Nisichawayasihk Cree Nation. The sessions were held in Thompson, Nisichawayasihk Cree Nation (Nelson House), Opaskwayak Cree Nation (The Pas) and Winnipeg, and were attended by over 220 people including First Nation organizations, environmental groups, businesses, consultants, local residents and students. The Commission received written submissions and oral statements, and heard numerous questions and comments on the guidelines. Summaries were prepared after each meeting and they were posted on the Commission's Web site.

Participants at the Commission's public meetings expressed various comments and concerns about the draft EIS guidelines for the proposed Wuskwatim projects. They were both supportive and critical of the guidelines, but generally supported the proactive approach taken by government to consult prior to finalizing the guidelines. First Nation representatives spoke about how past hydroelectric projects in northern Manitoba have affected their lands, resources, and way of life, and of the importance of including Aboriginal traditional knowledge in the conduct of environmental assessments. They asked that the geographic scope of the assessment be expanded to include areas affected by previous hydroelectric projects as well as areas potentially affected by the Wuskwatim projects. First Nation representatives also commented on the importance of baseline information and environmental monitoring.

Environmental organizations requested that the EIS guidelines outline the environmental policy framework for the environmental assessment, establish standards of practice to be achieved and require that the effects of climate change be addressed. They questioned the need and purpose for the projects and suggested that alternatives to the projects and demand side management be considered during the environmental assessment. Several of the participants also commented that the guidelines did not provide specific direction in areas such as environmental assessment methods, cumulative effects assessment and public consultation requirements.

In early April 2002 the Commission provided a report to the Minister of Conservation containing advice and recommendations respecting the EIS guidelines for the Wuskwatim projects. In total, nineteen separate recommendations were provided on the guidelines. These included:

- Improved comprehension, greater level of specification and enhanced definition of Manitoba's environmental policy framework.

- Assessment of the Wuskwatim projects in relation to other hydroelectric developments in northern Manitoba and provision of more descriptive information on the proposed projects.

- Broader geographic scope of the environmental assessment, establishment of baseline conditions, assessment of both direct and indirect effects, support of environmental monitoring programs, use of Aboriginal traditional knowledge and adoption of best practice standards.

- Consideration of the effects of the project on climate change, and the effects of climate change on the project's operation over the longer term.

Clean Environment Commission Publications

Preliminary Report on Contamination of Underground Water Sources by Refined Petroleum Products (1975)

Report on the Investigation of the Pollution of Underground Water by Refined Petroleum Products (1975)

Report on the Investigation of Smoke Problems Encountered in Southern Manitoba in 1976 (1977)

Report on an Investigation of Intensive Livestock Production Operations in Manitoba (1979)

Report on a Proposal Concerning Surface Water Quality Objectives and Stream Classification for the Province of Manitoba (1979)

Report on a Proposal for the Classification of Manitoba's Surface Water Souris River Principal Watershed Division (1980)

Report on Red River Waters (Proposed Classification of Surface Water Quality In Manitoba's Red River Principal Watershed Division and Certain Red River Tributaries) (1980)

Report on Proposed Classification of Surface Water Quality in Manitoba's Grass-Burntwood Rivers Principal Watershed Division (1981)

Report on a Proposal for the Classification of Manitoba's Surface Water Red River Principal Watershed Division (1981)

Report on a Proposal for the Classification of Manitoba's Surface Water Grass-Burntwood Rivers Principal Watershed Division (1982)

Report on Mosquito Control Programs in Manitoba (1982)

Report on Environmental Land Use Conflict - Balmoral, Manitoba (1983)

Report on Hazardous and Special Wastes Stage 1 of Phase 1 of Program (1983 & 1984)

Report on the Review of the Plan for the Rehabilitation of the Site of the Domtar Inc. Former Wood Preserving Plant, Transcona, Manitoba (1984)

Report on Manitoba Hazardous Waste Management Program (Volume 1) (1987)

Report on Manitoba Hazardous Waste Management Program (Volume 2) (1987)

Report on the Draft Regulation Respecting Atmospheric Emissions of Sulphur Dioxide and Particulates From Inco Limited in Thompson and HBM & S Co. Limited in Flin Flon (1987)

Report on Investigation of Smoke Problems from Agricultural Crop Residue and Peatland Burning (1987)

Report on Netley Creek Golf Course Development Proposal (1988)

Report on Burns Rendering Plant, Brandon, Review of the Environment Department Licence Regulating the Operation of and Emissions from the Plant (1988)

Report on Village of Shoal Lake Sewage Lagoon Proposal (1988)

Report on Puffy Lake Gold Mine (1988)

Report on Bonne Homme Colony Farms, Rural Municipality of Westbourne (1988)

Report on Upland Colony Farms Sewage Lagoon System (1988)

Report on Precise-To-Form Castings Inc. Investment Casting Foundry Operation (1988)

Report on McCain Foods Limited, Portage la Prairie (1988)

Preliminary Report on a Proposal by Canamax Resources Inc. for the Development of a Potash Mine at Russell, Manitoba (1988)

Final Report on a Proposal by Canamax Resources Inc. for the Development of a Potash Mine at Russell, Manitoba (1989)

Report on Clearwater Lake Watershed Basin Surface Water Quality Classification (1989)

Report on Shell Prairie Inn and Gas Station Wastewater Treatment and Disposal System (1989)

Report on Westlake Regional Water Supply Proposal (1989)

Report on City of Portage la Prairie Sewage Sludge Disposal Project (1989)

Report on North Duck River Headwater Storage Project (1989)

Report on Town of Beausejour Sewage Lagoon Expansion (1989)

Report on COJEF Limited Burning Site (1989)

Report on Deago Properties Sewage Treatment Plant (1989)

Report on Rural Municipality of Rhineland/Town of Altona Liquid Waste Holding Ponds for C.S.P. Foods Ltd. (1989)

Report on Namew Lake Mine/Mill (1989)

Report on Provincial Road #340 Class 2 Highway Relocation Project (1989)

Report on Repap Manitoba Inc. Phase I Modification and Expansion of the Manfor Complex (1989)

Report on Norquay Holding Company Sewage Lagoon (1989)

Report on Airport Holding Co. Ltd. Domestic Wastewater Treatment Lagoon (1990)

Report on Rural Municipality of Portage la Prairie Liquid Waste Disposal Facility (1990)

Report on Highway Gardens Ltd. Variation to Licence #391 (1990)

Report on Whiteshell Colony Farms Ltd. Domestic Waste-water Treatment Lagoon (1990)

Report on Pelican Lake Enhancement Project (1990)

Report on Village of St. Claude Sewage Lagoon and Discharge Route (1990)

Report on Ducks Unlimited Canada Oak Hammock Marsh Conservation Centre/Office Proposal (1990)

Report on Meadow Materials (Dow Corning Silicon Energy Systems, Inc.) Pilot Plant (1990)

Report on Beausejour Auto Wrecking Continuing Operation (1991)

Report on Hudson Bay Mining & Smelting Co. Ltd. Namew Lake Mine/Mill - A Review (1991)

Report on Abitibi-Price Inc. FML #01 Forest Resource Management Plan 1991 - 1998 (1992)

Report on Application of Water Quality Objectives for the Watershed Classification of the Red and Assiniboine Rivers and Tributaries Within and Downstream of the City of Winnipeg (1992)

Report on General Scrap & Car Shredder Ltd. Review of Environment Act Licence 898VC (1992)

Report on Manitoba Hazardous Waste Management Corporation Central Hazardous Waste Management Facility Licence Application (1992)

Rapport Sur Les Audiences Publiques: Demande

De Permis Relative À Un Centre de Gestion Des Déchets Dangereux Présentée Par La Corporation Manitobaine De Gestion Des Déchets Dangereux (1992)

Report on Good Hope Holding Company Ltd. Wastewater Treatment Lagoon, Rural Municipality of Portage la Prairie (1992)

Report on the Rural Municipality of Rhineland and The Town of Altona Regarding Ongoing Disposal Practices for Soap-stock and Bleaching Clay Generated by CanAmera Foods Ltd. (1992)

Report on Public Hearings: City of Winnipeg - Deacon Reservoir Expansion, Rural Municipality of Springfield (1993)

Report on Public Hearings: Village of Teulon - Wastewater Stabilization Pond and Pipeline, Rural Municipality of Rockwood (1994)

Report on Public Hearings: Pembina Valley Water Cooperative Inc. Regional Water Supply Proposal (1994)

Report on Public Hearings: Louisiana-Pacific Corporation Oriented Strand Board Plant, Rural Municipality of Minitonas (1994)

Report on Public Hearings: Asessippi Ski Hil Project, Rural Municipality of Shellmouth (1995)

Report on Public Hearings: Solid Waste Management - Capital Region (1995)

Rapport Sur Les Audiences Publiques: Concernant La Gestion Des Déchets Solides Dans La Région De La Capitale (1995)

Report on Public Hearings: Browning Ferris Industries (BFI) Waste Systems Inc. Integrated Waste Management Facility, Rural Municipality of Rosser (1995)

Report on Public Hearings: Louisiana-Pacific Canada Ltd. Ten Year Forest Management Plan 1996-2005 (1996)

Report on Public Hearings: Tolko Manitoba Inc. - Forest Management Plan 1997-2009 (1997)

Report on Public Hearings: Town of Carman Abatement Project – Linear Grain Inc. – Anhydrous Ammonia Storage Tank Relocation (1999)

Manitoba and Climate Change: A Primer (2001)

Workshop Report: Review of Electric and Magnetic Fields (EMFs) (2001)

Report on Public Hearings: Simplot Canada Ltd. Potato Processing Plant, Portage la Prairie/City of Portage la Prairie Water Pollution Control Facility (2002)

Report to the Government of Manitoba on Public Meetings: Flood Protection Options for the City of Winnipeg (2002)

Rapport au gouvernement du Manitoba sur les audiences publiques relatives aux solutions en matiere de protection contres inondations pour la ville de Winnipeg (2002)

Report to the Minister of Conservation on Public Meetings: Draft Environmental Impact Statement Guidelines for the Wuskwatim Generation and Transmission Projects (2002)

NOTE: Copies of all Commission reports are available from the Commission office upon request.